

Docket No.: 251146US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GEN SASAKI

SERIAL NUMBER: 10/811,840

GROUP: 2622

FILED: MARCH 30, 2004

EXAMINER: CUTLER, ALBERT H.

FOR: IMAGE PROCESSING APPARATUS

ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated June 6, 2007, Applicants elect with traverse species I, identified in the outstanding Official Action as corresponding to Figures 1 and 2, for further examination on the merits. Claims 1 and 2 read on species I, with claim 1 found to be generic to all species. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

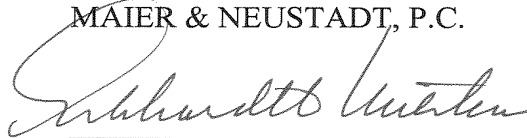
Although the outstanding Official Action states that the different species require different search classifications are required for the different species, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination

of the entire application would not place a *serious* burden on the Examiner, especially in this case where only four species are identified.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of claims 1-11 be conducted.

Respectfully Submitted,

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